

On May 6, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,537 cases of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce between the dates of January 5 and January 13, 1937, by the B. F. Shriver Co. from Westminster, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Blue Ridge Brand June Peas * * * The B. F. Shriver Co. Distributors, Westminster, Md. U. S. A."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On June 3, 1937, the B. F. Shriver Co., claimant, having consented to the entry of a decree and the court having found that an examination might disclose that a portion of the product was not misbranded, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned upon the segregation and release of the portion which was not misbranded and the relabeling of the portion (329 cases) which was misbranded.

M. L. WILSON, *Acting Secretary of Agriculture.*

27451. Misbranding of potatoes. U. S. v. 400 Sacks and 300 Sacks of Potatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39569, 39572. Sample nos. 43532-C, 43533-C.)

These cases involved potatoes that were below the standard declared on the label.

On May 8, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 700 sacks of potatoes at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about April 27 and May 1, 1937, by Metzger's, Inc., 400 sacks from Keswick, Mich., and 300 sacks from Bates, Mich., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. 1 Good Luck Michigan Potatoes."

The article was alleged to be misbranded in that the statement "U. S. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. Grade No. 1.

On May 11, 1937, Metzger's, Inc., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, a consolidated judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27452. Misbranding of potatoes. U. S. v. 350 Sacks of Potatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39573. Sample no. 43534-C.)

These potatoes were below the standard declared on the label because of excessive defects.

On May 7, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 sacks of potatoes at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about May 3, 1937, by Herman Hartwig from Peshtigo, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. One Leader Quality Wisconsin Potatoes Shipped By Herman Hartwig Peshtigo Wisconsin."

It was alleged to be misbranded in that the statement "U. S. One" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. grade No. 1.

On May 11, 1937, Christ Hansen & Co. Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*